



ENVIRONMENTAL QUALITY COMMISSION MEETING MINUTES

Wednesday, November 2, 2011 at 6:30 p.m.

Arrillaga Family Recreation Center
Cypress Conference Room

CALL TO ORDER: The meeting was called to order at 6:30 p.m.

Present: Daniel Kocher, Kristin Kuntz-Duriseti (Chair), Adina Levin, Christina Smolke, Mitch Slomiak, Douglas Scott

Absent: None

A. PUBLIC COMMENTS: None

B. BUSINESS ITEMS

B1. Approve October 5, 2011 Minutes

ACTION: Motion and second (Kocher/Slomiak) to approve the October 5, 2011 minutes passes unanimously.

B2. Issue determination on the appeal of staff's denial of a heritage tree removal at 1205 Bay Laurel Drive

Staff presentation by Brian Henry, City Arborist

Primary findings:

1. Tree is healthy and structurally sound
2. Tree is not over crowded or poorly positioned

Appellants Jon Sakoda and Elizabeth Peters, homeowners stated that the primary consideration is their desire to expand the lawn in the back yard.

The Commission deliberation focused on the stated intent of the Heritage Tree Ordinance "to retain as many trees as possible" while giving consideration to "the reasonable economic enjoyment of private property." In determining good cause for removal of heritage trees, consideration shall be given to the eight criteria provided in section 13.24.040 of the ordinance. In each case, the commission did not determine that sufficient support was provided for removal of the tree (see specific notes below).

- (1) The condition of the tree or trees with respect to disease, danger of falling, proximity to existing or proposed structures and interference with utility services;

Commission Conclusion: As evidenced by both arborists, the tree is vigorous and healthy, with no visible signs of decay or weakness. The risk of damage or harm is no greater than with any other healthy tree.

- (2) The necessity to remove the tree or trees in order to construct proposed improvements to the property;

Commission Conclusion: This is the only factor that supports tree removal, but is not sufficient on its own to justify the tree removal, especially as the homeowners have not trimmed the tree

to allow for more light. This factor must be weighed in concert with the overall stated intent of the Heritage Tree Ordinance, especially criterion (8). Although the front lawn is not as well suited to the intended purposes, the homeowners do in fact enjoy a sizable backyard, even if it is not as large as desired.

- (3) The topography of the land and the effect of the removal of the tree on erosion, soil retention and diversion or increased flow of surface waters;

Commission Conclusion: Not applicable.

- (4) The long-term value of the species under consideration, particularly lifespan and growth rate;

Commission Conclusion: The tree is approximately half way through its natural life and is likely to thrive for another 30-40 years. New, replacement trees are not commensurate with a mature tree. The tree, while not native, is a valuable "specimen" tree that has an appreciable effect on the "scenic beauty" along Bay Laurel Drive.

- (5) The ecological value of the tree or group of trees, such as food, nesting, habitat, protection and shade for wildlife or other plant species;

Commission Conclusion: The tree does not provide special ecological value beyond that normally provided by trees, which is protected by the overall intent of preserving the collective urban canopy.

- (6) The number, size, species, age distribution and location of existing trees in the area and the effect the removal would have upon shade, privacy impact and scenic beauty;

Commission Conclusion: Again, the tree, while not native, is a valuable "specimen" tree that has an appreciable effect on the "scenic beauty" along Bay Laurel Drive.

- (7) The number of trees the particular parcel can adequately support according to good arboricultural practices;

Commission Conclusion: Arborist report indicates that the property provides sufficient land to support the existing trees.

- (8) The availability of reasonable and feasible alternatives that would allow for the preservation of the tree(s).

Commission Conclusion: This is probably the most compelling criterion in support of preserving the tree. The property owners have not trimmed the tree to allow more light access. The property owners have not explored other options, such as lawn alternatives or development of other areas of the backyard.

"Reasonable economic enjoyment" does not imply an ideal or "first best" outcome is granted, but rather whether a feasible, perhaps "second best" option, allows for both enjoyment *and* tree protection. In this case, the commissioners deemed that the tree removal at this time seems premature, given the health and remaining life span of the tree (e.g., limb failure risk seems low), the availability of alternatives, and the value of the tree to the community.

ACTION: Motion and second (Kocher/Smolke) to approve staff recommendation to deny the appeal and uphold staff's decision to deny the permit application passes 5-1 (Scott dissenting).

B3. Discussion on Community Workshop Outcomes for a Community Greenhouse Gas Reduction Target and Provide a Recommendation for City Council

There was no formal action taken on the item. The Commission will discuss this at the December meeting. Staff will distribute online survey to Green Ribbon Citizen Committee (GRCC) and Chamber of Commerce.

B4. Discuss which specific projects and tasks from the Environmental Quality Commission's Work Plan should be highlighted in the Chair's presentation to City Council on November 15th

There was no formal action taken on the item.

B5. Appointment of another commissioner for source reduction and environmental quality award activities

ACTION: This item was tabled by the Chair to the December meeting.

MEETING ADJOURNED at 08:30 p.m.

Meeting minutes prepared jointly by Rebecca Fotu, Staff Liaison and Kristin Kuntz-Duriseti, Chair